IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWELFTH DAY OF JULY
TWO THOUSAND AND FOUR

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PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

and
THE HON'BLE MR JUSTICE P.S.NARAYANA

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WRIT PETITION NO : 11243 of 2004

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Between:

Syed Moizullah Quadri S/o. S.M.S. Qaudri
Mehidipatnam, Hyd.

..... PETITIONER

AND

-

1 The Commissioner, Muncipal Corporation of Hyd, Tank bund Road, Hyd.
2 The Dy. Commissioner, Municipal corporation of Hyd, Circle-6, Tank Bund road, Hyd.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue appropriate writ, order or direction, more particularly writ of mandamus, declaring the notice of demand Dt. 26.2.2004 issued by the first respondent herein, calling upon the petitioner to pay the arrears for more than 3 years, of Rs. 66,547/- (Rs. 80,137/- as per dues details), as illegal, arbitrary, and violative of Art. 14, & 21 of the Constitution of India, Consequently direct the respondents to act in accordance with law & forbear from resorting to any coercive action for recovery of arrears of tax through the impugned notice.

Counsel for the Petitioner:MR.SUDARSHAN REDDY DUDDUGUNTA, Advocate.

Counsel for the Respondents : MR.RAMA RAO GANTA, Standing Counsel for

Municipal Corporation of Hyderabad.

The Court made the following :

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ORDER : (Per Sri Bilal Nazki, J)

Heard learned Counsel for the parties. Counter has not been filed but the learned Counsel for the parties have agreed that the matter be disposed of at this stage.

The dispute is with regard to the alleged arrears of house property tax. It is an admitted position that arrears of beyond three years cannot be recovered by the respondents. The case of petitioner is that he had sent a Demand Draft for Rs.35,280/- on 07.04.2004 as tax for the years 2002-2003 to 2004-2005, which was returned to him and a demand was created for an amount of Rs.80,137/-. We have seen the demand notice. This demand notice does not make it clear as to for which years the demand has been created. It shows that an amount of Rs.46,864/- as arrears as in April, 2004. We do not know as to for which year these arrears are.

In these circumstances, we dispose of the Writ Petition, set aside the demand notice, direct the respondents to accept the Demand Draft for Rs.35,280/- and if there is anything still outstanding from the petitioner, a fresh demand notice be sent to him, giving the break up of the tax for each year. No costs.

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(Bilal Nazki, J)

12th July, 2004.

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(P.S.NARAYANA, J)

ajr.

To

1 The Commissioner, Muncipal Corporation of Hyd, Tank bund Road, Hyd.
2 The Dy. Commissioner, Municipal corporation of Hyd, Circle-6, Tank Bund road, Hyd.

3 Two C.D. copies.